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**CPSC STAYS ENFORCEMENT OF CERTAIN TESTING
AND CERTIFICATION REQUIREMENTS**

By: **David J. Evan** (devan@gdlsk.com)
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On Friday evening, January 30th, 2009, the Consumer Product Safety Commission (“CPSC”) voted to stay the applicability of certain product testing and certification requirements under the Consumer Product Safety Improvement Act (“CPSIA”).

This action will stay the requirements for testing and certification applicable to manufacturers and importers with regard to the lead content standard (lead in substrate), the phthalate standard and ASTM F963 (the toy safety standard). It will not be necessary to test inventory or goods in production for compliance with these product safety standards. Likewise, it will not be necessary to issue certificates of compliance, except as noted below.¹ The stay will remain in effect at least until 2/10/10.

Significantly, the stay does not permit or validate the sale of products that do not comply with all applicable mandatory safety standards. Failure to comply with such standards, including the new lead content and phthalate limits, is still prohibited.

This stay does **not** affect the following requirements:

- The requirement to use 3rd party labs to test and certify compliance with the lead paint standard for products manufactured after 12/21/08.
- Requirements applicable to cribs and pacifiers for products manufactured after 1/20/09.
- Small parts requirements effective for products manufactured after 2/15/09.
- Requirements for lead content in children’s metal jewelry for products manufactured after 3/23/09.
- Any existing CPSC regulation as it existed prior to amendment by the CPSIA (e.g., bike helmets, lighters, mattresses, etc.).
- The Pool & Spa Safety Act; certifications for ATVs.

Please feel free to contact us if you have any questions or require additional information.

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¹ We are attempting to confirm that the stay on certificates of compliance is also meant to apply to adult products with regard to issues such as flammability, lead paint, etc.